

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SUSAN ANN BEUCLER  
328 Norman Avenue  
Clyde, CA 94520-1107

Registered Nurse License No. 455547

Respondent

Case No. 2007-174

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on November 4, 2007

IT IS SO ORDERED October 4, 2007



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 HANNAH H. ROSE, State Bar No. 56276  
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7 Attorneys for Complainant

8 LYDIA ZANE  
9 Senior Legal Analyst

10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 SUSAN ANN BEUCLER  
14 328 Norman Ave.  
15 Clyde, CA 94520-1107

16 Registered Nurse License No. 455547

17 Respondent.

Case No. 2007-174

OAH No. N2007030427

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of  
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
25 by Hannah H. Rose, Deputy Attorney General.

26 2. Respondent Susan Ann Beucler (Respondent) represents herself in this  
27 proceeding and has chosen not to exercise her right to be represented by counsel.

28 3. On or about August 31, 1990, the Board of Registered Nursing issued

1 Registered Nurse License No. 455547 to Susan Ann Beucler (Respondent). The License was in  
2 full force and effect at all times relevant to the charges brought in Accusation No. 2007-174 and  
3 will expire on January 31, 2008, unless renewed.

#### 4 JURISDICTION

5 4. Accusation No. 2007-174 was filed before the Board of Registered  
6 Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent.  
7 The Accusation and all other statutorily required documents were properly served on Respondent  
8 on December 28, 2006. Respondent timely filed her Notice of Defense contesting the  
9 Accusation. A copy of Accusation No. 2007-174 is attached as exhibit A and incorporated  
10 herein by reference.

#### 11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations  
13 in Accusation No. 2007-174. Respondent has also carefully read, and fully understands the  
14 effects of this Stipulated Settlement and Disciplinary Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at her own expense; the right to confront and cross-examine the witnesses against her;  
18 the right to present evidence and to testify on her own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

#### 24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in  
26 Accusation No. 2007-174.

27 9. Respondent agrees that her Registered Nurse License is subject to  
28 discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition

1 of discipline as set forth in the Disciplinary Order below.

2 CONTINGENCY

3 10. This stipulation shall be subject to approval by the Board of Registered  
4 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
5 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
6 and settlement, without notice to or participation by Respondent. By signing the stipulation,  
7 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
8 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
9 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
10 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
11 between the parties, and the Board shall not be disqualified from further action by having  
12 considered this matter.

13 OTHER MATTERS

14 11. The parties understand and agree that facsimile copies of this Stipulated  
15 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
16 force and effect as the originals.

17 DISCIPLINARY ORDER

18 In consideration of the foregoing admissions and stipulations, the parties agree  
19 that the Board may, without further notice or formal proceeding, issue and enter the following  
20 Disciplinary Order:

21 IT IS HEREBY ORDERED that Registered Nurse License No. 455547 issued to  
22 Respondent Susan Ann Beucler (Respondent) is revoked. However, the revocation is stayed and  
23 Respondent is placed on probation for three (3) years on the following terms and conditions.

24 **Severability Clause.** Each condition of probation contained herein is a separate  
25 and distinct condition. If any condition of this Order, or any application thereof, is declared  
26 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
27 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
28 and enforceable to the fullest extent permitted by law.

1                   1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
2 A full and detailed account of any and all violations of law shall be reported by Respondent to  
3 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
4 compliance with this condition, Respondent shall submit completed fingerprint forms and  
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
6 as part of the licensure application process.

7                   **Criminal Court Orders:** If Respondent is under criminal court orders, including  
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10                   2.       **Comply with the Board's Probation Program.** Respondent shall fully  
11 comply with the conditions of the Probation Program established by the Board and cooperate  
12 with representatives of the Board in its monitoring and investigation of the Respondent's  
13 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
14 within no more than 15 days of any address change and shall at all times maintain an active,  
15 current license status with the Board, including during any period of suspension.

16                   Upon successful completion of probation, Respondent's license shall be fully  
17 restored.

18                   3.       **Report in Person.** Respondent, during the period of probation, shall  
19 appear in person at interviews/meetings as directed by the Board or its designated  
20 representatives.

21                   4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
22 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
23 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
24 of California. Respondent must provide written notice to the Board within 15 days of any change  
25 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
26 returning to practice in this state.

27                   Respondent shall provide a list of all states and territories where she has ever been  
28 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further

1 provide information regarding the status of each license and any changes in such license status  
2 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
3 new nursing license during the term of probation.

4           **5. Submit Written Reports.** Respondent, during the period of probation,  
5 shall submit or cause to be submitted such written reports/declarations and verification of actions  
6 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
7 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
8 Program. Respondent shall immediately execute all release of information forms as may be  
9 required by the Board or its representatives.

10           Respondent shall provide a copy of this Decision to the nursing regulatory agency  
11 in every state and territory in which she has a registered nurse license.

12           **6. Function as a Registered Nurse.** Respondent, during the period of  
13 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
14 hours per week for 6 consecutive months or as determined by the Board.

15           For purposes of compliance with the section, "engage in the practice of registered  
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18           The Board may require that advanced practice nurses engage in advanced practice  
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
20 Board.

21           If Respondent has not complied with this condition during the probationary term,  
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
24 grant an extension of Respondent's probation period up to one year without further hearing in  
25 order to comply with this condition. During the one year extension, all original conditions of  
26 probation shall apply.

27           **7. Employment Approval and Reporting Requirements.** Respondent  
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
2 performance evaluations and other employment related reports as a registered nurse upon request  
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate  
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within  
7 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
8 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
9 terminated or separated, regardless of cause, from any nursing, or other health care related  
10 employment with a full explanation of the circumstances surrounding the termination or  
11 separation.

12 **8. Supervision.** Respondent shall obtain prior approval from the Board  
13 regarding Respondent's level of supervision and/or collaboration before commencing or  
14 continuing any employment as a registered nurse, or education and training that includes patient  
15 care.

16 Respondent shall practice only under the direct supervision of a registered nurse  
17 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
18 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
19 are approved.

20 Respondent's level of supervision and/or collaboration may include, but is not  
21 limited to the following:

22 (a) Maximum - The individual providing supervision and/or collaboration is  
23 present in the patient care area or in any other work setting at all times.

24 (b) Moderate - The individual providing supervision and/or collaboration is in  
25 the patient care unit or in any other work setting at least half the hours Respondent works.

26 (c) Minimum - The individual providing supervision and/or collaboration has  
27 person-to-person communication with Respondent at least twice during each shift worked.

28 (d) Home Health Care - If Respondent is approved to work in the home health

1 care setting, the individual providing supervision and/or collaboration shall have person-to-  
2 person communication with Respondent as required by the Board each work day. Respondent  
3 shall maintain telephone or other telecommunication contact with the individual providing  
4 supervision and/or collaboration as required by the Board during each work day. The individual  
5 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
6 site visits to patients' homes visited by Respondent with or without Respondent present.

7           **9. Employment Limitations.** Respondent shall not work for a nurse's  
8 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
9 traveling nurse, or for an in-house nursing pool.

10           Respondent shall not work for a licensed home health agency as a visiting nurse  
11 unless the registered nursing supervision and other protections for home visits have been  
12 approved by the Board. Respondent shall not work in any other registered nursing occupation  
13 where home visits are required.

14           Respondent shall not work in any health care setting as a supervisor of registered  
15 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
16 nurses and/or unlicensed assistive personnel on a case-by-case basis.

17           Respondent shall not work as a faculty member in an approved school of nursing  
18 or as an instructor in a Board approved continuing education program.

19           Respondent shall work only on a regularly assigned, identified and predetermined  
20 worksite(s) and shall not work in a float capacity.

21           If Respondent is working or intends to work in excess of 40 hours per week, the  
22 Board may request documentation to determine whether there should be restrictions on the hours  
23 of work.

24           **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall  
25 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
26 than six months prior to the end of her probationary term.

27           Respondent shall obtain prior approval from the Board before enrolling in the  
28 course(s). Respondent shall submit to the Board the original transcripts or certificates of



1 completion for the above required course(s). The Board shall return the original documents to  
2 Respondent after photocopying them for its records.

3           11.     **Cost Recovery.** Respondent shall pay to the Board costs associated with  
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
5 amount of \$3,491.12. Respondent shall be permitted to pay these costs in a payment plan  
6 approved by the Board, with payments to be completed no later than three months prior to the  
7 end of the probation term.

8           If Respondent has not complied with this condition during the probationary term,  
9 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
10 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
11 grant an extension of Respondent's probation period up to one year without further hearing in  
12 order to comply with this condition. During the one year extension, all original conditions of  
13 probation will apply.

14           12.     **Violation of Probation.** If Respondent violates the conditions of her  
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
16 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
17 license.

18           If during the period of probation, an accusation or petition to revoke probation has  
19 been filed against Respondent's license or the Attorney General's Office has been requested to  
20 prepare an accusation or petition to revoke probation against Respondent's license, the  
21 probationary period shall automatically be extended and shall not expire until the accusation or  
22 petition has been acted upon by the Board.

23           13.     **License Surrender.** During Respondent's term of probation, if she ceases  
24 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
25 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
26 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
27 take any other action deemed appropriate and reasonable under the circumstances, without  
28 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent

1 will no longer be subject to the conditions of probation.

2               Surrender of Respondent's license shall be considered a disciplinary action and  
3 shall become a part of Respondent's license history with the Board. A registered nurse whose  
4 license has been surrendered may petition the Board for reinstatement no sooner than the  
5 following minimum periods from the effective date of the disciplinary decision:

6               (1)     Two years for reinstatement of a license that was surrendered for any  
7 reason other than a mental or physical illness; or

8               (2)     One year for a license surrendered for a mental or physical illness.

9               14.     **Physical Examination.** Within 45 days of the effective date of this  
10 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
11 physician assistant, who is approved by the Board before the assessment is performed, submit an  
12 assessment of the Respondent's physical condition and capability to perform the duties of a  
13 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
14 medically determined, a recommended treatment program will be instituted and followed by the  
15 Respondent with the physician, nurse practitioner, or physician assistant providing written  
16 reports to the Board on forms provided by the Board.

17               If Respondent is determined to be unable to practice safely as a registered nurse,  
18 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
19 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
20 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
21 shall immediately cease practice and shall not resume practice until notified by the Board.  
22 During this period of suspension, Respondent shall not engage in any practice for which a license  
23 issued by the Board is required until the Board has notified Respondent that a medical  
24 determination permits Respondent to resume practice. This period of suspension will not apply  
25 to the reduction of this probationary time period.

26               If Respondent fails to have the above assessment submitted to the Board within  
27 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
28 practice until notified by the Board. This period of suspension will not apply to the reduction of

1 this probationary time period. The Board may waive or postpone this suspension only if  
2 significant, documented evidence of mitigation is provided. Such evidence must establish good  
3 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
4 provided. Only one such waiver or extension may be permitted.

5           **15. Participate in Treatment/Rehabilitation Program for Chemical**  
6 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
7 period or shall have successfully completed prior to commencement of probation a Board-  
8 approved treatment/rehabilitation program of at least six months duration. As required, reports  
9 shall be submitted by the program on forms provided by the Board. If Respondent has not  
10 completed a Board-approved treatment/rehabilitation program prior to commencement of  
11 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
12 a program. If a program is not successfully completed within the first nine months of probation,  
13 the Board shall consider Respondent in violation of probation.

14           Based on Board recommendation, each week Respondent shall be required to  
15 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
16 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
17 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
18 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
19 such attendance to the Board during the entire period of probation. Respondent shall continue  
20 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
21 mental health examiner and/or other ongoing recovery groups.

22           **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
23 shall completely abstain from the possession, injection or consumption by any route of all  
24 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when  
25 the same are ordered by a health care professional legally authorized to do so as part of  
26 documented medical treatment. Respondent shall have sent to the Board, in writing and within  
27 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
28 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the

1 medication will no longer be required, and the effect on the recovery plan, if appropriate.

2           Respondent shall identify for the Board a single physician, nurse practitioner or  
3 physician assistant who shall be aware of Respondent's history of substance abuse and will  
4 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
5 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
6 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
7 condition. If any substances considered addictive have been prescribed, the report shall identify a  
8 program for the time limited use of any such substances.

9           The Board may require the single coordinating physician, nurse practitioner, or  
10 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
11 addictive medicine.

12           **17. Submit to Tests and Samples.** Respondent, at her expense, shall  
13 participate in a random, biological fluid testing or a drug screening program which the Board  
14 approves. The length of time and frequency will be subject to approval by the Board.  
15 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
16 number at all times. Respondent shall also ensure that messages may be left at the telephone  
17 number when she is not available and ensure that reports are submitted directly by the testing  
18 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
19 to the Board by the program and Respondent shall be considered in violation of probation.

20           In addition, Respondent, at any time during the period of probation, shall fully  
21 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
22 tests and samples as the Board or its representatives may require for the detection of alcohol,  
23 narcotics, hypnotics, dangerous drugs, or other controlled substances.

24           If Respondent has a positive drug screen for any substance not legally authorized  
25 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
26 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
27 from practice pending the final decision on the petition to revoke probation or the accusation.  
28 This period of suspension will not apply to the reduction of this probationary time period.

1           If Respondent fails to participate in a random, biological fluid testing or drug  
2 screening program within the specified time frame, Respondent shall immediately cease practice  
3 and shall not resume practice until notified by the Board. After taking into account documented  
4 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
5 Board may suspend Respondent from practice pending the final decision on the petition to  
6 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
7 this probationary time period.

8           18.     **Mental Health Examination.** Respondent shall, within 45 days of the  
9 effective date of this Decision, have a mental health examination including psychological testing  
10 as appropriate to determine her capability to perform the duties of a registered nurse. The  
11 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
12 practitioner approved by the Board. The examining mental health practitioner will submit a  
13 written report of that assessment and recommendations to the Board. All costs are the  
14 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
15 result of the mental health examination will be instituted and followed by Respondent.

16           If Respondent is determined to be unable to practice safely as a registered nurse,  
17 the licensed mental health care practitioner making this determination shall immediately notify  
18 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
19 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
20 practice and may not resume practice until notified by the Board. During this period of  
21 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
22 is required, until the Board has notified Respondent that a mental health determination permits  
23 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
24 probationary time period.

25           If Respondent fails to have the above assessment submitted to the Board within  
26 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
27 practice until notified by the Board. This period of suspension will not apply to the reduction of  
28 this probationary time period. The Board may waive or postpone this suspension only if


19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse, License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

Susan Ann Beucler  
SUSAN ANN BEUCLER  
Respondent

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

EDMUND G. BROWN JR., Attorney General  
of the State of California

  
HANNAH H. ROSE  
Deputy Attorney General

13

**Exhibit A**  
**Accusation No. 2007-174**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 HANNAH H. ROSE, State Bar No. 56276  
Deputy Attorney General  
4 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5515  
6 Facsimile: (415) 703-5480

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007 - 174

13 SUSAN ANN BEUCLER  
14 328 Norman Ave.  
15 Clyde, CA 94520-1107

16 Registered Nurse License No. 455547

Respondent.

**A C C U S A T I O N**

17 Complainant alleges:

PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about August 31, 1990, the Board of Registered Nursing issued  
22 Registered Nurse License No. 455547 to Susan Ann Beucler (Respondent). On or about June 10,  
23 1994, Respondent's license was revoked. On or about November 12, 1995, Respondent's license  
24 was reinstated. The License was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on January 31, 2008, unless renewed.

JURISDICTION

26  
27 3. This Accusation is brought before the Board of Registered Nursing  
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section



1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Business and Professions Code ("Code") provides, in  
4 pertinent part, that the Board may discipline any licensee, including a licensee holding a  
5 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
6 2750) of the Nursing Practice Act.

7 5. Section 2764 of the Code provides, in pertinent part, that the expiration of  
8 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
9 against the licensee or to render a decision imposing discipline on the license.

10 6. Section 2811(b) of the Code provides, in pertinent part, that the Board may  
11 renew an expired license at any time within eight years after the expiration.

12 7. Section 2761 of the Code states in pertinent part that the Board may take  
13 disciplinary action against a certified or licensed nurse or deny an application for a certificate or  
14 license for any of the following:

15 (a) Unprofessional conduct, which includes, but is not limited to, the following:

16 (1) Incompetence, or gross negligence in carrying out usual certified or licensed  
17 nursing functions.

18 ...

19 8. Section 2762 of the Code states in relevant part that in addition to other  
20 acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice  
21 Act], it is unprofessional conduct for a person licensed under this chapter to do any of the  
22 following:

23 ...

24 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
25 entries in any hospital, patient, or other record pertaining to the substances described in  
26 subdivision (a) of this section.

27 9. Section 125.3 of the Code provides, in pertinent part, that the Board may  
28 request the administrative law judge to direct a licensee found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
2 and enforcement of the case.

### 3 REGULATORY PROVISIONS

4 10. California Code of Regulations, Title 16, section 1442, states:

5 As used in Section 2761 of the code, "gross negligence" includes an extreme  
6 departure from the standard of care which, under similar circumstances, would have ordinarily  
7 been exercised by a competent registered nurse. Such an extreme departure means the repeated  
8 failure to provide nursing care as required or failure to provide care or to exercise ordinary  
9 precaution in a single situation which the nurse knew, or should have known, could have  
10 jeopardized the client's health or life.

11 11. California Code of Regulations, Title 16, section 1443, states:

12 As used in Section 2761 of the code, "incompetence" means the lack of  
13 possession of or the failure to exercise that degree of learning, skill, care and experience  
14 ordinarily possessed and exercised by a competent Registered Nurse as described in Section  
15 1443.5.

16 12. California Code of Regulations, Title 16, section 1443.5, states in  
17 pertinent part, that a Registered Nurse shall be considered to be competent when she consistently  
18 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
19 sciences in applying the nursing process.

### 20 13. DRUGS

21 "Morphine Sulfate", under the trade name **Dilaudid**, is a Schedule II controlled  
22 substance pursuant to Health and Safety Code section 11055(b)(1)(M) and a dangerous drug  
23 pursuant to Business and Professions Code section 4022. Morphine is a principal alkaloid of  
24 opium and considered to be the prototype of the opiate agonists. Morphine Sulfate is a narcotic  
25 analgesic prescribed to reduce pain.

### 26 FIRST CAUSE FOR DISCIPLINE

27 (Unprofessional Conduct - False Entries)

28 14. Respondent is subject to disciplinary action for unprofessional conduct

1 under Code section 2761(a), pursuant to section 2762(e) of the Code, in that while employed as a  
2 Registered Nurse at Kaiser Foundation Hospital (Kaiser), located at Walnut Creek, California,  
3 she committed acts involving false entries in a hospital, patient, or other record pertaining to  
4 Morphine Sulfate, a controlled substance and dangerous drug, as follows:

5           A.     **Patient #000384804** had a physician's order on August 7, 2004, for pain  
6 medication which included "Morphine 2 mg IV push (inject over 1 minute) every 5 minutes. If  
7 unable to reach comfort zone after maximum of Morphine 14 mg, call physician for further  
8 orders. Discontinue at midnight (24:00)." On or about August 7, 2004, the Pyxis Medstation  
9 report shows that Respondent withdrew a total of 26 mg of morphine for Patient #000384804.  
10 Respondent indicated in the pain assessment section of the intensive care unit hourly check sheet  
11 that the patient was at a pain scale of "5" (out of a possible "10") and "agitated" at 0100 hours.  
12 At 0500 hours, respondent indicated that the patient was at a pain scale of "5" and "restless."  
13 There is no entry in the nursing focus notes that addresses a change in the patient's condition

14 from the previous shift or why such a large amount of Morphine Sulfate was used without  
15 contacting and advising the physician of the change in the patient's zone of comfort. The  
16 withdrawals, recorded in Pyxis for August 7, 2004, , are as follows:

17                   (1) Morphine Sulfate SYR2 mg at 00:47:22 hours and charted on the  
18 patient's Sedation Trending Record (STR) at 0045 hours (two minutes before the medication was  
19 withdrawn from Pyxis). The Medication Administration Record (MAR) does not refer to the  
20 STR nor does it indicate that respondent administered the medication to the patient.

21                   (2) Morphine Sulfate SYR2 mg at 00:55:20 hours and charted on the STR  
22 at 0055 hours. The MAR does not refer to the STR nor does it indicate that respondent  
23 administered the medication to the patient.

24                   (3) Morphine Sulfate SYR2 mg at 01:12:28 hours. This withdrawal was  
25 not charted on the STR and there is no indication in the MAR that the respondent administered  
26 the medication to the patient.

27                   (4) Morphine Sulfate SYR4 mg at 01:44:00 hours and charted on the STR  
28 at 0230 hours. The MAR does not refer to the STR nor does it indicate that respondent

1 administered the medication to the patient.

2 (5) Morphine Sulfate SYR4 mg at 03:07:54 hours. This withdrawal is not  
3 charted on the STR and there is no indication in the MAR that the respondent administered the  
4 medication to the patient.

5 (6) Morphine Sulfate SYR4 mg at 03:49:16 hours and charted on the STR  
6 at 0500 hours. The MAR does not refer to the STR nor does it indicate that respondent  
7 administered the medication to the patient.

8 (8) Morphine Sulfate SYR4 mg at 05:27:01 hours. This withdrawal is not  
9 charted on the STR and there is no indication in the MAR that the respondent administered the  
10 medication to the patient.

11 (9) Morphine Sulfate SYR4 mg at 06:18:09 hours and charted on the STR  
12 at 0700 hours. The MAR does not refer to the STR nor does it indicate that respondent  
13 administered the medication to the patient.

14 B. Patient #04768052 was given a physician's order on July 29, 2004, for  
15 pain medication which included "Morphine 2 mg IV every 30 minutes prn pain" and "Morphine  
16 4 mg IV every 30 minutes prn severe pain." No Morphine was administered to the patient on  
17 July 29, 2004, at the nocturnal (NOC) shift. Morphine was administered twice, in 4 mg doses,  
18 during the day shift on July 29, 2004. During the night shift, on or about July 30, 2004, the  
19 Pyxis Medstation report shows that Respondent withdrew a total of six doses of Morphine  
20 Sulfate at 4 mg each. The MAR indicates that 4 doses were administered to the patient and does  
21 not account for 2 doses of the Morphine Sulfate. The intensive care unit check sheet indicates  
22 that respondent administered Morphine Sulfate to the patient in 3 instances. The nurses' focus  
23 note does not address issues related to the patient's need to have the Morphine. The withdrawals  
24 made by Respondent and recorded in Pyxis for the night shift on July 30, 2004, are as follows:

25 (1) Morphine Sulfate SYR4 mg at 00:34:37 hours and charted as  
26 administered to the patient at 0045 hours.

27 (2) Morphine Sulfate SYR4 mg at 01:23:54 hours and charted as  
28 administered to the patient at 0200 hours.

(3) Morphine Sulfate SYR4 mg at 02:36:27 hours. Not charted as administered to the patient.

(4) Morphine Sulfate SYR4 mg at 03:12:42 hours and charted as administered to the patient at 0430 hours.

(5) Morphine Sulfate SYR4 mg at 06:06:07 hours and charted as administered to the patient at 0600 hours. The administration of this medication is charted as given six minutes before it was withdrawn from the Pyxis Medstation.

(6) Morphine Sulfate SYR4 mg at 06:56:07 hours. Not charted as administered to the patient.

C. **Patient #09069107** was given a physician's order on July 26, 2004, for "Morphine Sulfate 2 mg IV every 2 hours prn mild pain" and "Morphine Sulfate 4 mg IV every 2 hours prn severe pain." On or about August 2, 2004, during the night shift, the Pyxis Medstation report shows that Respondent withdrew two 4 mg doses of Morphine Sulfate. One dose is initialed on the MAR. The second dose is unaccounted for. The intensive care unit check sheet indicates that the patient had "0" pain and the nurses' focus notes do not address pain issues for the patient. The withdrawals made by Respondent and recorded in Pyxis for the night shift on August 2, 2004, are as follows:

(1) Morphine Sulfate SYR4 mg at 02:53:50 hours. Signed off as "7/26 MS drip DL" and charted in the MAR as administered to the patient at 05:30 hours.

(2) Morphine Sulfate SYR4mg at 06:01:37. Not charted as administered to the patient.

D. **Patient #07000181** had a physician's order for "Morphine 2mg IV every 2 hours prn for pain." On or about July 10, 2004, the Pyxis Medstation report shows that Respondent withdrew a total of four doses of Morphine Sulfate at 2 mg each. Only three doses are accounted for in the patient's MAR. The intensive care unit check sheet notes that the patient's pain level was "0" at 0100 hours. However, the MAR indicates that Respondent administered the patient Morphine 2 mg at 0015 hours. There is no pain notation on the check sheet notes for 0300 hours. Yet, the MAR indicates that Respondent gave the patient Morphine 2

1 mg at 0330 hours. The withdrawals made by Respondent and recorded in Pyxis for the night  
2 shift on July 10, 2004, are as follows:

3 (1) One dose of Morphine Sulfate 2 mg charted on the MAR as  
4 administered to the patient at 0015 hours. The pyxis medstation report does not indicate a  
5 withdrawal of Morphine Sulfate 2 mg for the patient on or before 0015 hours.

6 (2) Morphine Sulfate SYR2 mg at 00:29:31 hours. Not charted as  
7 administered to the patient.

8 (3) Morphine Sulfate SYR2 mg at 01:54:25 hours. Not charted as  
9 administered to the patient.

10 (4) Morphine Sulfate SYR2 mg at 03:06:50 hours and charted as  
11 administered to the patient at 0330 hours.

12 (5) Morphine Sulfate SYR2 mg at 04:23:49 hours and charted as  
13 administered to the patient at 0530 hours.

#### 14 SECOND CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct - Gross Negligence and/or Incompetence)

16 15. Respondent is subject to disciplinary action under Code section  
17 2761(a)(1), as defined by Title 16, California Code of Regulations, section 1442 (gross  
18 negligence) and/or sections 1443 (incompetence) and 1443.5 (competent performance), in that  
19 she repeatedly failed to maintain standards of safe nursing practice regarding the withdrawal,  
20 administration and documentation of controlled substances in the care and treatment of patients  
21 at Kaiser Foundation Hospital in Walnut Creek, as set forth in paragraph 14, above.

#### 22 OTHER MATTERS

23 16. On or about August 18, 1993, the Board of Registered Nursing issued  
24 Accusation No. 94-38, entitled *In the Matter of the Accusation Against: SUSAN ANN*  
25 *BEUCLER, Registered Nurse License No. 455547*, alleging violations of Business and  
26 Professions Code sections 2761(d) for failing to comply with section 2732 (practicing with an  
27 expired license); and failing to comply with section 2761(a), as defined by section 2762(e)  
28 (making grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and patient

1 records). On or about February 9, 1994, Respondent stipulated to the revocation of her  
2 Registered Nurse License No. 455547, which revocation was effective on June 10, 1994. A true  
3 and correct copy of the Board's Decision and Order is attached hereto as Exhibit A.

4 17. On or about July 11, 1995, Respondent filed a Petition for Reinstatement  
5 of License to practice as a Registered Nurse in the State of California. On or about October 13,  
6 1995, in OAH Case No. N-9508190, the Board granted Respondent's petition and reinstated  
7 Registered Nurse License No. 455547. The license was immediately revoked, the revocation  
8 stayed and the license was placed on a probationary basis for a period of three years subject to  
9 terms and conditions effective November 12, 1995. Probation was completed November 11,  
10 1998. Upon successful completion of probation, Respondent's Registered Nurse License was  
11 fully restored. A true and correct copy of the Board's Decision is attached hereto as Exhibit B.

12 PRAYER

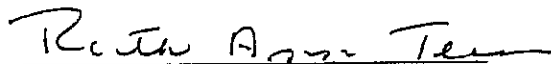
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License No. 455547, issued to  
16 Susan Ann Beucler.

17 2. Ordering Susan Ann Beucler to pay the Board of Registered Nursing the  
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
19 Professions Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 12/18/06

22   
23 RUTH ANN TERRY, M.P.H., R.N.  
24 Executive Officer  
25 Board of Registered Nursing  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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liz 11/07/2006; rev. 12/18/2006

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# EXHIBIT A



1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 HANNAH WISS HIRSCH  
Deputy Attorney General  
3 455 Golden Gate Avenue, Room 6200  
San Francisco, California 94102-3658  
4 Telephone: (415) 703-2079

5 Attorneys for Complainant  
6  
7

8 BEFORE THE  
9 BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
Against: )

No. 93-48

12 SUSAN ANN BEUCLER )  
13 1131 Morello Avenue )  
Martinez, California 94553 )  
14 Reg. Nurse Lic. No. 455547 )

OAH No. N9309081

STIPULATION AND WAIVER

15 Respondent. )  
16

17 It is hereby stipulated and agreed by and between the  
18 parties that:

19 1. Ruth Ann Terry, R.N. M.P.H., complainant, is the  
20 Executive Officer of the Board of Registered Nursing (hereinafter  
21 the "Board"), and is represented by Daniel E. Lungren, Attorney  
22 General of the State of California by Hannah Wiss Hirsch, Deputy  
23 Attorney General.

24 2. Susan Ann Beucler (hereinafter the "respondent") is  
25 represented by Charles F. Bourdon, Attorney at Law.

26 3. That respondent was duly served with the Accusation  
27 and with all of the documents required by law in the above-

1 entitled matter. A copy of Accusation No. 93-48 is attached  
2 hereto as Exhibit A and incorporated herein by reference.

3 4. The respondent and her attorney have fully  
4 discussed the nature of the charges alleged in the above-  
5 mentioned Accusation as providing the basis for discipline of her  
6 License Number 455547.

7 5. Respondent is fully aware of her right to a hearing  
8 on the charges and allegations contained in Accusation No. 93-  
9 48, her right to reconsideration and appeal, and all other rights  
10 afforded her under the Administrative Procedure Act and the laws  
11 of the State of California.

12 6. Respondent hereby freely, knowingly and voluntarily  
13 waives her right to a hearing, reconsideration and appeal, and  
14 all other rights afforded her under the Administrative Procedure  
15 Act and the laws of the State of California except her right to  
16 petition for reinstatement under Government Code section 11522.

17 7. Ruth Ann Terry, R.N., M.P.H., as Executive Officer  
18 of the Board, made and filed this Accusation solely in her  
19 official capacity. That respondent's license status and history  
20 as set forth in paragraph 2 of the Accusation are true and  
21 correct.

22 8. For the purposes of settlement of this action  
23 pending against respondent in Accusation No. 93-48, respondent  
24 admits there is a basis for discipline pursuant to Business and  
25 Professions Code section 2761(a) in that while on duty as a  
26 registered nurse at Mt. Diablo Medical Center in Concord,  
27 California, she made grossly incorrect, grossly inconsistent or

1 unintelligible entries in hospital and patient records as set  
2 forth in paragraph 6(a) through (d) of the Accusation attached  
3 hereto as Exhibit A.

4 Respondent further admits that there is a basis for  
5 discipline pursuant to Business and Professions Code sections  
6 2761(d) and 2732 in that during the approximate period of  
7 January 31, 1992 to July 1, 1993, she worked as a registered  
8 nurse at Mt. Diablo Medical Center in Concord, California,  
9 thereby engaging in the practice of nursing at a time when her  
10 license as a registered nurse had expired and had not ben renewed  
11 as required by Business and Professions Code section 2811.

12 9. Attached hereto as Exhibit B and incorporated  
13 herein by reference is respondent's statement of mitigation  
14 concerning the conduct and her efforts at rehabilitation related  
15 to this case.

16 10. Pursuant to the foregoing admissions and  
17 stipulations, the Board of Registered Nursing hereby revokes  
18 License Number 455547 issued to respondent, Susan Beucler.

19 11. Upon the Board's acceptance of this stipulation  
20 and waiver of license, respondent shall cause to be delivered to  
21 the Board both her license and her wallet certification.


22 12. Respondent fully understands that when the Board  
23 accepts the stipulation and waiver of her license, she will no  
24 longer be permitted to practice as a registered nurse in  
25 California.

26 13. This stipulation and waiver of license shall be  
27 subject to the approval of the Board of Registered Nursing of the

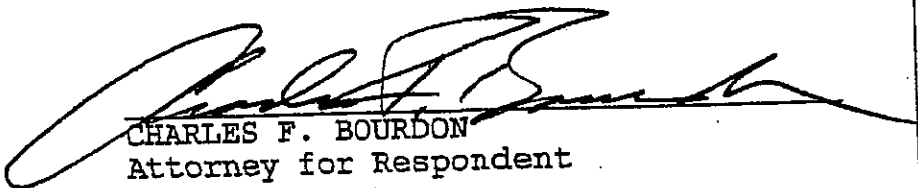
1 State of California. If the Board fails to adopt this  
2 stipulation as its decision in this matter, it shall have no  
3 force or effect for either party.

4 DATED: 2-16-94

5 DANIEL E. LUNGREN, Attorney General  
6 of the State of California

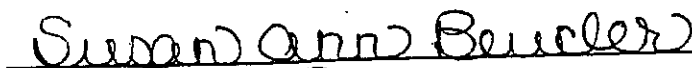
7   
8 HANNAH WISS HIRSCH  
9 Deputy Attorney General

10 Attorneys for Complainant

11   
12 CHARLES F. BOURDON  
13 Attorney for Respondent

14 I, Susan Ann Beucler, have read the above stipulation  
15 and enter into it freely, intelligently and voluntarily, and with  
16 full knowledge of its force and effect, and do hereby submit this  
17 stipulated revocation of License Number 455547 to the Board for  
18 its formal acceptance. By so stipulating to the revocation of my  
19 license, I recognize that upon formal acceptance by the Board I  
20 will lose all rights and privileges to practice as a registered  
21 nurse in California.

22 DATED: 2-9-94

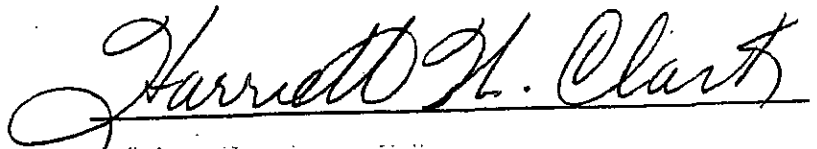
23  
24   
25 SUSAN ANN BEUCLER  
26 Respondent  
27

ORDER

This stipulated revocation of License Number 455547 by Susan Ann Beucler is hereby accepted by the Board of Registered Nursing of the State of California.

This decision shall become effective on the tenth of June \_\_\_\_\_, 1994.

SO ORDERED this tenth day of May, 1994.



PRESIDENT  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

**EXHIBIT A**

1 DANIEL E. LUNGREN, Attorney General  
2 of the State of California  
3 HANNAH WISS HIRSCH  
4 Deputy Attorney General  
5 455 Golden Gate Avenue, Room 6200  
6 San Francisco, California 94102-3658  
7 Telephone: (415) 703-2079

8 Attorneys for Complainant

9  
10 BEFORE THE  
11 BOARD OF REGISTERED NURSING  
12 DEPARTMENT OF CONSUMER AFFAIRS  
13 STATE OF CALIFORNIA

14 In the Matter of the Accusation  
15 Against:

NO. 94-38

16 SUSAN ANN BEUCLER  
17 1131 Morello Avenue  
18 Martinez, California 94553  
19 Registered Nurse License  
20 No. 455547

ACCUSATION

21 Respondent.

22 Ruth Ann Terry, R.N., for causes for discipline,  
23 alleges:

24 1. Complainant Ruth Ann Terry, R.N., makes and files  
25 this accusation in her official capacity as Interim Executive  
26 Officer, Board of Registered Nursing, Department of Consumer  
27 Affairs.

2. On August 31, 1990, the Board of Registered Nursing

1 issued registered nurse license number 455547 to Susan Ann  
2 Beucler. The license expired on January 31, 1992, and was  
3 delinquent until renewed on July 1, 1992. The license has been  
4 renewed through January 31, 1994.  
5

6 3. Under Business and Professions Code section 2750,  
7 the Board of Registered Nursing may discipline any licensee,  
8 including a licensee holding a temporary or an inactive license,  
9 for any reason provided in Article 3 of the Nursing Practice Act.  
10

11 4. DRUGS

12 "Demerol," a brand of meperidine hydrochloride, a  
13 derivative of pethidine, is a Schedule II controlled substance as  
14 designated by Health and Safety Code section 11055(c)(16).  
15

16 A "controlled substance" is a drug or other substance  
17 or immediate precursor included in Schedules I, II, III, IV, or V  
18 of the Controlled Substances Act, Health and Safety Code sections  
19 11054, 11055, 11056, 11057, and 11058.  
20

21 5. Respondent has subjected her license to discipline  
22 under Business and Professions Code section 2761(d) in that she  
23 failed to comply with section 2732 of that code when during the  
24 approximate period of January 31, 1992, to July 1, 1992, she  
25 worked as a registered nurse at Mt. Diablo Medical Center in  
26 Concord, California, thereby engaging in the practice of nursing  
27 at a time when her license as a registered nurse had expired and  
28

///



1 respondent had failed to apply for a renewal of such license, as  
2 required by Business and Professions Code section 2811.  
3

4 6. Respondent has subjected her license to discipline  
5 under Business and Professions Code section 2761(a) on the  
6 grounds of unprofessional conduct, as defined by section 2762(e)  
7 of that code, in that while on duty as a registered nurse at Mt.  
8 Diablo Medical Center in Concord, California, she made grossly  
9 incorrect, grossly inconsistent, or unintelligible entries in  
10 hospital and patient records in the following respects:

11 Patient Gene L., Patient No. 14-61-36

12 a. On May 23, 1992, at 1:30 a.m., she signed out on  
13 the controlled drug record 50 mg. of Demerol, a controlled  
14 substance, for patient Gene L., but failed to chart the  
15 administration of the Demerol on the patient's medication record  
16 or to otherwise account for the disposition of the Demerol.

17 Patient Mary B., Patient No. 02-61-40

18 b. On June 1, 1992, at 1:20 a.m., she signed out on  
19 the controlled drug record 100 mg. of Demerol, a controlled  
20 substance, for patient Mary B. at 1:20 a.m., a time which is out  
21 of sequence with the preceding and following entries, and charted  
22 the administration of the Demerol on the patient's medication  
23 record.

24 c. On May 30, 1992, at 3:55 a.m., she signed out on  
25 the controlled drug record 100 mg. of Demerol, a controlled  
26 substance, for patient Mary B., charted the administration of the  
27 Demerol on the patient's medication record, but noted in the

1 nurse's notes that the Demerol was administered to the patient at  
2 3:00 a.m., fifty-five minutes prior to the time the Demerol was  
3 obtained for the patient.

4 d. On June 1, 1992, at 4:15 a.m., she signed out on  
5 the controlled drug record 100 mg. of Demerol, a controlled  
6 substance, for patient Mary B., but failed to chart the  
7 administration of the Demerol on the patient's medication record  
8 or to otherwise account for the disposition of the Demerol.  
9

10 WHEREFORE, complainant prays that a hearing be held and  
11 that the Board of Registered Nursing make its order:

12 1. Revoking or suspending registered nurse license  
13 number 455547, issued to Susan Ann Beucler.

14 2. Taking such other and further action as may be  
15 deemed proper and appropriate.  
16

17 DATED: 6/18/93  
18  
19  
20  
21

Ruth Ann Terry  
22 RUTH ANN TERRY, R.N.  
23 Interim Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California

Complainant

27 03579110-  
SF93AD0685

**EXHIBIT B**

February 9, 1994

STATEMENT IN MITIGATION

My substance abuse problem began with alcohol in the early 1980's after my son and my husband passed away within a year's time. I began to drink in order to cope with the pain and loss that I felt. I continued to drink heavily until 1983, when I voluntarily entered a residential treatment program. I worked very hard at my recovery and completed the program one year later. After being out for about two years and doing well, I made the decision to fulfill my dream to become a nurse. I went to work at Mt. Diablo Hospital and continued to be clean and sober for some time, despite the fact that I was no longer attending AA meetings and had stopped using the support system and tools that I had learned in the program. I felt that I had the problem beat. Looking back, I now know that this was a serious mistake. During the process of quitting smoking cigarettes, I was given the anti-anxiety medication, Xanax, by my physician. After stopping the medication, I was unable to sleep and went through a period of withdrawal. That is when my drug usage began.

Shortly after being terminated from my job, I was offered the Diversion Program but, regrettably, I declined, thinking that I could quit on my own. At that time, I did not realize the severity of my problem as I was still in a state of denial. I went on to get a job at Kaiser Hospital and, in fact, abstain from use for about a year. In retrospect, I can see that having not gone into the program and not dealing with my addiction made it impossible to remain drug-free. Not focusing on my needs and not seeking support was my downfall. After an investigatory suspension, I admitted to my nursing manager that I did have a problem and asked for help. At that time, I finally realized the seriousness of my problem and became willing to do anything in order to get into recovery.

I am currently participating in the Kaiser Chemical Dependency Program in San Francisco and have been doing so for the past three months. The program consists of early recovery groups and education groups, and requires attendance at AA or NA 12-step meetings. I also receive individual counseling sessions with a clinical psychologist and participate in random urine testing. The program began with groups six hours per day, seven days per week. I am currently in phase II of the program which requires groups four to five days per week and AA attendance seven days per week. I am also enrolled in Futures in Recovery, which is a monitoring and re-entry program where forensic urine testing is done twice a month. In addition, I am attending weekly nurse's support groups. I have an AA sponsor who I contact daily. She is guiding me and helping me to work the steps of the program. I plan to continue with the Kaiser program, Futures in Recovery, and the nurse's support groups for the next one to two years or as long as is deemed necessary to ensure that I don't make the same mistakes again. I will be participating in the AA program for the rest of my life.

My number one goal is to remain drug-free and, secondly, to someday return to nursing, and I am confident that by continuing with my recovery in these programs, I will be able to stay clean and sober and once again become a productive member of society. I made the decision to become a nurse because I wanted to help people, and I truly feel that I do have a gift for doing this. Nursing has been a lifelong desire and dream for me. Even as a child, I always hoped that someday I would enter the nursing field and care for the sick. I am very much aware of the seriousness of my addiction, and I know that I am addicted to any and all mind or mood-altering substances. I am willing to take whatever steps are necessary to remain substance-free, and I plan to continue to do everything within my power to build a strong recovery plan for the future.

  
Susan Ann Beucler

## EXHIBIT B

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition  
for Reinstatement of:

SUSAN ANN BEUCLER,

Registered Nurse  
License Number 455547

Petitioner.

OAH NO. N-9508190

DECISION

On September 14, 1995, in Sacramento, California, a quorum of the Board of Registered Nursing, Department of Consumer Affairs, State of California, with Genevieve D.R. Deutsch, RNC, OGNP, President, heard this matter. M. Amanda Behe, Administrative Law Judge, Office of Administrative Hearings presided.

Arthur Taggart, Deputy Attorney General, represented the Attorney General of the State of California.

Petitioner appeared in propria persona.

Evidence was received, the record was closed and the matter was submitted and considered in a closed Executive Session of the Board.

FINDINGS OF FACT

I.

On August 31, 1990. Susan Ann Beucler (hereinafter "petitioner") was issued license number 455547 to practice as a Registered Nurse by the Board of Registered Nursing ("the Board"), Department of Consumer Affairs, State of California.

## II

On June 10, 1994, petitioner's license was revoked by a STIPULATION AND WAIVER adopted as a Decision of the Board. By that STIPULATION AND WAIVER petitioner admitted that while on duty as a registered nurse at Mt. Diablo Medical Center in Concord, California, she made grossly incorrect, grossly inconsistent or unintelligible entries in hospital and patient records in violation of Business and Professions Code § 2761(a). By that STIPULATION AND WAIVER petitioner also acknowledged that from January to July 1993 she worked as a registered nurse when her license had expired and had not been renewed in violation of Business and Professions Code § 2811.

## III

On July 11, 1995, petitioner filed a Petition for Reinstatement of License to practice as a Registered Nurse in the State of California. The matter was set for an evidentiary hearing before the Board.

## IV

The events which resulted in the revocation of petitioner's license caused her to admit her substance abuse problem. Petitioner promptly entered the Kaiser Intensive Outpatient Chemical Dependency Program on November 21, 1993, and successfully completed the program in April 1995. Petitioner has participated in therapy to deal with her grief over the death of her son and husband, and she presently demonstrates insight that abusing medications and alcohol did not help her with the pain of those losses.

Petitioner's rehabilitation program has included random urine screens twice per month and her two positive test results were verified to be for medications prescribed for shingles and an oral surgery. She regularly participates in Alcoholics Anonymous and Narcotics Anonymous and benefits from her strong relationship with her sponsor. Petitioner volunteers at the Alcoholics Anonymous Hotline, and attends weekly meetings of a nurses' support group. She presented evidence of her attendance in the Petition.

Petitioner is working to obtain her BSN degree through a home-study program and included certificates of continuing education in her Petition. She wants to return to nursing, and acknowledges that any future employer should be aware of her historic substance abuse problems.



Petitioner is commended for the excellent recovery she has commenced, and continued participation in twelve-step programs will assist her in re-entering her profession.

#### DETERMINATION OF ISSUES

Petitioner has the burden of proving by a preponderance of the evidence that the Petition For Reinstatement should be granted. Petitioner met that burden of proof.

#### ORDER

The Petition For Reinstatement is granted and a license shall be issued to petitioner Susan Ann Beucler. Said license shall immediately be revoked, the order of revocation stayed and respondent placed on probation for a period three years on the following terms and conditions:

1. Petitioner shall obey all federal, state and local laws, and all rules, and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence.
2. Petitioner shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of compliance with the Program.
3. Petitioner, during the period of probation, shall appear in person at interviews or meetings as directed by the Board or its designated representatives.
4. Periods of residency or practice outside of California will not apply to the reduction of this probationary term. Petitioner must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
5. Petitioner, during the period of probation, shall submit such written reports or declarations and verification of actions under penalty of perjury

as are required. These declarations shall contain statements relative to compliance with all the terms and conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.

6. Petitioner, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months. Pursuant to Business and Professions Code § 2732, no person shall engage in the practice of registered nursing without holding a license which is in an active status.
7. The Board shall be informed of and approve of each agency for which the petitioner provides nursing services prior to petitioner's commencement of work. Petitioner shall inform petitioner's employer of the reason for and the terms and conditions of probation and shall provide a copy of the Board's decision and order to petitioner's employer and immediate supervisor. The employer shall submit performance evaluations and other reports as requested by the Board. Petitioner is also required to notify the Board in writing within 72 hours after termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.
8. The Board shall be informed of and approve of the level of supervision provided to petitioner while functioning as a registered nurse. The appropriate level of supervision must be approved by the Board prior to commencement of work. Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing.
9. Petitioner may not work for a nurse registry, temporary nurse agency, home care agency, in-house nursing pool, as a nursing supervisor, as a faculty member in an approved school of nursing, or as an instructor in a Board approved continuing education program. Petitioner must work only on regularly assigned, identified and predetermined worksite(s) with appropriate supervision as approved by the Board.

10. Petitioner at petitioner's expense, shall begin and successfully complete course(s) in nursing as directed by the Board prior to engaging in the practice of nursing and prior to the end of the probationary term.

Petitioner may be suspended from practicing nursing until the necessary coursework is completed. The content of such course(s) and the place and conditions of instruction shall be specified by Board representatives at the time of the initial probation meeting based on the nature of the violation(s). Specific courses must be approved prior to enrollment. Petitioner must submit written proof of enrollment and proof of successful completion. Transcripts or certificates of completion must be mailed directly to the Board by the agency or entity instructing petitioner.

Home study or correspondence courses are not acceptable and will not be approved.

11. Petitioner, at petitioner's expense, within 45 days of the effective date of this decision, shall have a licensed physician submit, in a format acceptable to the Board, an assessment of the petitioner's physical condition and capability to perform the duties of a professional registered nurse. If medically determined, a recommended treatment program will be instituted and followed by petitioner with the physician providing written reports to the Board on forms provided by the Board.
12. Petitioner, at petitioner's expense, shall successfully complete or shall have successfully completed a treatment/rehabilitation program of at least six months duration which the Board approves. Reports shall be submitted by the program on forms provided by the Board. If petitioner has not completed a treatment program prior to commencement of probation, petitioner, within a reasonable period of time as determined by the Board (but not exceeding 45 days from the effective date of the decision) shall be enrolled in a treatment program. If a treatment program is not successfully completed within the first nine months of probation, the Board will consider petitioner to be in violation of probation and will initiate further disciplinary action against the license.

In addition, petitioner must attend two twelve step recovery meetings per week (e.g., Narcotics Anonymous, Alcoholic Anonymous, etc.) and a nurse support group as directed by the Board. If a nurse support group is not available, an additional twelve step meeting must be added. Petitioner must submit dated and signed documentation confirming such attendance to the Board during the entire period of probation.

13. Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood-altering) drugs, including alcohol, except when the same are lawfully prescribed by a licensed physician or dentist as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within 14 days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, petitioner's prognosis, and the date the medication will no longer be required.
14. Petitioner, at petitioner's expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Petitioner is responsible for ensuring that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and petitioner will be considered in violation of probation.

In addition, petitioner, at any time during the period of probation shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

15. Petitioner shall, within 45 days of the effective date of this Decision, have a mental health examination including psychological testing as appropriate to determine petitioner's capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining

mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of petitioner. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by petitioner.

16. Petitioner, at petitioner's expense, shall participate in an ongoing counseling program until such time as the Board releases petitioner from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

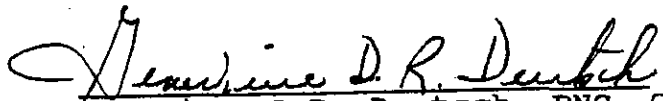
17. If petitioner violates the conditions of probation, the Board after giving notice and an opportunity to be heard may set aside the stay order and impose the revocation of petitioner's license.

If during the period of probation, an Accusation has been filed or the Attorney General's Office has been requested to file an Accusation against petitioner's license, the probation period shall automatically be extended and shall not expire until the Accusation has been acted upon by the Board.

Upon successful completion of probation, petitioner's license will be fully restored.

This decision becomes effective November 12, 1995.

DATED October 13, 1995 BOARD OF REGISTERED NURSING



Genevieve D.R. Deutsch, RNC, OGNP  
Board President